

Civ. 10-
Notice and Petition for Removal
Page 2

3. At all times, and on March 29, 2010, when the action was commenced in Lincoln County, Second Judicial Circuit, Plaintiff was, and now is, a resident of the State of South Dakota.

4. As to Plaintiff's claims against Defendant State Farm Fire and Casualty Company, the matter in controversy exceeds the sum of Seventy Five Thousand Dollars (\$75,000), exclusive of interest and costs.

5. There is diversity of citizenship between Plaintiff and Defendant and the basis for jurisdiction is 28 U.S.C. § 1332.

6. The South Dakota Division of Insurance purported to admit service on Defendant State Farm Fire and Casualty Company's behalf on March 29, 2010.

7. Attached to and filed with this notice are copies of the Summons, Complaint and Jury Trial Demand, which are the only process, pleadings, or orders served upon Defendant or on file in this matter.

8. With respect to the amount in controversy, Plaintiff's Complaint seeks damages for breach of contract and bad faith. Plaintiff seeks punitive damages as well as attorneys' fees from Defendant State Farm Fire and Casualty Company. The amount Plaintiff seeks to recover from Defendant State Farm Fire and Casualty Company exceeds Seventy Five Thousand Dollars (\$75,000), exclusive of interest and costs.

9. Defendant will give written notice of the filing of this notice as required by 28 U.S.C. § 1446(d).

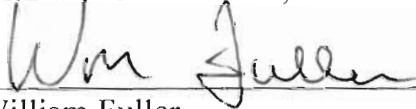
Civ. 10-
Notice and Petition for Removal
Page 3

10. A copy of this notice will be filed with the Lincoln County Clerk of the South Dakota Circuit Court, Second Judicial Circuit, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant requests that this action proceed in this Court as an action properly removed to it.

Dated this 27th day of April, 2010.

FULLER & SABERS, LLP



William Fuller

7521 S. Louise Avenue

Sioux Falls, SD 57108

Phone 605-333-0003

Fax 605-333-0007

Email bfuller@fullerandsabers.com

Attorneys for Defendant State Farm Fire and
Casualty Company

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of April, 2010, by United States mail, postage prepaid, a true and correct copy of the foregoing Answer was served upon the following:

Bret C. Merkle, Esq., Pro Se
Merkle Law Firm
P.O. Box 90708
Sioux Falls, SD 57109



One of the attorneys for Defendant State Farm
Fire and Casualty Company